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S E C R E T SECTION 01 OF 02 PARIS 000104

SIPDIS

STATE FOR S/WCI -- AMB PROSPER

E.O. 12958: DECL: 01/06/2015

TAGS: [FR](#) [PGOV](#) [PINR](#) [PREL](#) [KISL](#)

SUBJECT: GTMO AND DJAMEL BEGHAL TRIAL UPDATES

REF: A. PARIS 8729

[1B](#). PARIS 8918

Classified By: Political Minister-Counselor Josiah Rosenblatt for reasons 1.4 b and d.

[11.](#) (C) Summary: The investigation against four former GTMO detainees (reftels A and B) appears to be proceeding well; all appeals for pre-trial release have been denied and the investigating judges feel confident that the trial, likely to begin this summer, will result in conviction. However, in a related action, France's highest appeals court for criminal matters overturned two previous courts' decisions and referred, to the Paris Court of Appeals for action, a complaint brought by the families of two ex-GTMO detainees requesting an investigation into their detention.

[12.](#) (C) Summary continued: Separately, the public trial against suspected terrorist Djamel Beghal and five accomplices accused of plotting to attack US interests in France, including an attack against the Embassy, began January 3. Thus far, the trial has been highlighted by the defiance of the defendants during questioning. Post will continue to report on these cases, as well as that of Mohamed al-Jundi, the Syrian driver of the two French journalists kidnapped in Iraq (septel). Al-Jundi filed suit against U.S. forces alleging torture while in U.S. custody following his liberation from insurgent captivity. End summary.

EX-GTMO DETAINEES

[13.](#) (S) The ongoing investigation against the four ex-GTMO detainees currently in French custody is progressing well and the trial is likely to begin this summer. Thus far, all appeals by defense attorneys for the release of their clients from pre-trial detention have been rejected. A recent defense appeal to obtain transcripts from alleged interrogations by French authorities while the detainees were still at GTMO was similarly denied. The anti-terrorism judges investigating the case communicate regularly with Post, and they are confident the evidence obtained by French authorities since the four were remanded to French custody is overwhelming.

[14.](#) (C) France's highest appeals court, the Cour de Cassation, ruled January 4 that the Paris Court of Appeals would have to address a complaint filed by the families of two former GTMO detainees seeking a criminal investigation into certain unknown and unnamed persons (undoubtedly U.S. officials) for the illegal detention of the two in Guantanamo. The complaint had initially been filed in 2002 and was dismissed by a judge in Lyon. The Lyon Court of Appeals upheld this initial decision in 2003, arguing that that the detention could not be investigated because it was the result of an American military operation covered by a unanimously adopted UN resolution. However, yesterday's appeal court decision indicated that the complaint could not be dismissed without investigating whether there was evidence related to the complaint that could be applicable under French law. The complaint is now remanded to the Paris Court of Appeals, which technically could rule with the Lyon decisions, but will likely have to open an investigation itself or designate a judge to investigate the complaint. Media reports indicate that requests for U.S. judicial explanations are likely. It is not yet clear how this complaint could affect the French investigation against the detainees. Post will continue to follow the developments of this case closely.

DJAMEL BEGHAL TRIAL

[15.](#) (C) The trial of six men suspected of plotting in Afghani terror training camps to target U.S. interests in France -- specifically, to bomb the US Embassy in Paris in 2001 -- began January 3. The proceedings have thus far been dominated by combative responses from the defendants. Suspected cell leader Djamel Beghal, a 39-year-old Algerian-born French citizen who was arrested in the UAE in July 2001 after leaving Afghanistan, told authorities in Dubai that he was the head of an al-Qaeda-linked cell intent on attacking US interests in France, including the U.S. Embassy in Paris; however, Beghal later retracted his

confession and told the chief judge in the trial that he had given it under "methodical torture." In Beghal's testimony he referred to himself in the third person, responded to the judge's questions with questions of his own, referred at one point to the proceedings as an "Inquisition court," and refused to explain his reasons for visiting Afghanistan.

Kamel Daoudi, arrested in Britain and extradited to France in September 2001, posed multiple definitions for the term "jihadist" and proclaimed his innocence as a terrorist, despite being arrested in possession of texts by Ayman al Zawahiri and other Islamic extremists, claiming that "when someone reads 'Das Kapital,' he is not necessarily a Marxist." French authorities allege that Beghal admitted in questioning that Abu Zubaydah gave the order to attack U.S. interests in an Afghani terror camp in March 2001; both Beghal and Daoudi deny having met Zubaydah. The trial is expected to last seven weeks, and if convicted, the six defendants face up to 10 years in prison.

Leach